

William D. Wallach, Esq. #031861987
McCARTER & ENGLISH, LLP
Four Gateway Center
100 Mulberry Street
Newark, New Jersey 07102
(973) 639-7918

wwallach@mccarter.com

Attorneys for Proposed Intervenor McCarter & English, LLP

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

AGOSTINO & AGOSTINO, P.C.,

Plaintiff,

v.

ESTATE OF MICHELE CESTONE; ESTATE
OF AGNES CESTONE; ESTATE OF
VINCENZO CESTONE; OBIT MARS
VECTOR; MARVEC CORPORATION;
VERONA INDUSTRIES, INC.; VERONA
EQUITIES, INC.; CORSARO
CORPORATION; MICHELE J. CESTONE;
VINCENT R. CESTONE; MARIA
CESTONE; VINCENT CESTONE, II;
RALPH CESTONE; MICHELE A. CESTONE
(RUSSOMANNO) and UNITED STATES OF
AMERICA,

Defendant.

Case No. 2:25-cv-03855-JXN-LDW

**CERTIFICATION IN SUPPORT OF
INTERVENTION PLEADING**

I, WILLIAM D. WALLACH, do hereby certify under penalty of perjury as follows:

I am a Member of McCarter & English, LLP, the Proposed Intervenor in this matter and have full knowledge of the facts set forth below based upon my personal involvement and familiarity with the related documents. This Certification is submitted in support of the Motion to allow McCarter & English, LLP to intervene, as a matter of right, pursuant to Fed. R. Civ. P. 24(a).

1. McCarter & English, LLP formerly represented Defendant Ralph Cestone and his affiliated entities in a series of matters and lawsuits. As a result of his failure to pay legal fees

when due and owing, a lawsuit was filed entitled *McCarter & English, LLP v. Ralph Cestone and DJF Realty, Inc.*, Superior Court of New Jersey, Law Division, Essex County, Docket No. ESX-L-8102-15 (“the Lawsuit”).

2. By Order dated August 22, 2016, the Honorable Dennis F. Carey, III, granted the motion for summary judgment filed by McCarter & English, LLP against the defendants. The Order entered summary judgment against Ralph Cestone in the amount of \$190,277.70, summary judgment against DJF Realty, Inc. in the amount of \$323,613.94, and against both defendants (jointly and severally) in the amount of \$22,433,81. A copy of this Order is attached as Exhibit A.

3. On September 15, 2016, the Order for Summary Judgment was recorded as a state-wide lien and assigned the judgment number J167591-16. A copy of the Judgment is attached as Exhibit B.

4. On September 12, 2016, a Writ of Execution was received by the Clerk’s Office, Civil Division, Essex Vicinage directed to the Sheriff of Essex County. A copy of the Writ of Execution is attached as Exhibit C. To date, no monies due and owing under the Judgment have been paid.

5. As stated in the Judgment, as of August 22, 2016, McCarter & English, LLP was owed the sum of \$190,277.70 from Ralph Cestone. In accordance with the post-interest rates set forth in Rule 4:42-11(a)(iii) and the Publisher’s Note for contract matters exceeding the monetary limit of the Special Civil Part, during the time period of August 23, 2016 through June 1, 2025, the amount of \$57,955.20 has accrued, as shown on Exhibit D.

6. As of June 1, 2025, the total amount of \$248,232.90 is due and owing to McCarter & English, LLP from Ralph Cestone.

7. The Verified Complaint in Interpleader and Order To Show Cause filed by the Plaintiff in this matter lists Ralph Cestone as a person who may have an interest in the monies sought to be interpleaded.

8. McCarter & English, LLP asserts no claim against any portion of the interpleader monies belonging to any party or person other than Ralph Cestone.

9. In accordance with Fed. R. Civ. P. 24(a)(2), in order to protect its rights as a judgment-creditor McCarter & English, LLP maintains it satisfies the criteria to intervene in this matter as of right given that (1) this application for intervention is timely; (2) it has a sufficient interest in the litigation (to the extent of Ralph Cestone's interest); (3) if it is not allowed to intervene then its right and ability to collect from Ralph Cestone pursuant to the Judgment would be impacted, and (4) its interests are not adequately represented by any existing party in the litigation. *Benjamin ex rel. Yock v. Dep't of Pub. Welfare of Pennsylvania*, 701 F.3d 938, 948 (3d Cir. 2012) (setting forth the four requirements for intervention under Fed. R. Civ. P. 24(a)(2)); *In re Weiss*, 638 B.R. 543, 552 (Bankr. D.N.J. 2022) (judgment creditor has automatic right to debtor's property upon docketing judgment).

10. On June 4, 2025, McCarter & English, LLP sent correspondence to counsel of record for this action requesting that any party seeking to object to this Motion to Intervene give notice to McCarter & English, LLP. A copy of this correspondence is attached as Exhibit E.

11. No objections were made in response to McCarter & English, LLP's June 4, 2025 correspondence.

12. On June 17, 2025, a telephone conference was held before Hon. Leda D. Wettre, U.S.M.J. where, for the first time, counsel for Ralph Cestone, Michael Polychronis, asserted an objection to this Motion to Intervene on the grounds that it presents a "conflict".

13. Immediately following the telephone conference on June 17, 2025, McCarter & English, LLP sent correspondence to Mr. Polychronis requesting that he provide the basis for the objection. A copy of this correspondence is attached as Exhibit F.

14. To date, Mr. Polychronis has not responded and has yet to provide McCarter & English, LLP with the basis for his objection.

15. In light of receiving no response from Mr. Polychronis and having received no objection from any other party, and for all the reasons discussed above, it is respectfully submitted the Motion to Intervene by McCarter & English, LLP should be granted.

I hereby certify under penalty of perjury the foregoing statements are true and if any are willfully false then I am subject to punishment.

/s William D. Wallach
William D. Wallach

Dated: June 27, 2025

EXHIBIT A

William D. Wallach - 031861987
McCARTER & ENGLISH, LLP
Four Gateway Center
100 Mulberry Street
Newark, New Jersey 07102
(973) 622-4444
Attorneys for Plaintiff

FILED

AUG 22 2016

Dennis F. Carey, III, C.P.J.

_____ McCARTER & ENGLISH, LLP, Plaintiff,	:	SUPERIOR COURT OF NEW JERSEY LAW DIVISION – ESSEX COUNTY DOCKET NO. ESX-L-008102-15
	:	Civil Action
vs.	:	
RALPH CESTONE, and DJF REALTY, INC.,	:	ORDER GRANTING SUMMARY JUDGMENT FOR PLAINTIFF
Defendants.	:	

THIS MATTER having been opened to the Court by McCarter & English, LLP, attorneys for Plaintiff Pro Se, upon notice to counsel for the Defendants, for the entry of an Order pursuant to Rule 4:46-2 granting summary judgment in favor of the Plaintiff against the Defendants, and the Court having considered the moving papers, the Opposition Papers (if any), and in view of the record in this matter,

IT IS on 22 day of August, 2016,

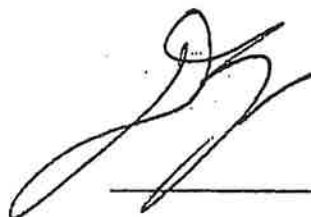
ORDERED as follows:

1. Plaintiff's Motion pursuant to New Jersey Court Rule 4:46-2 is granted in its entirety.

2. Summary Judgment is entered in favor of the Plaintiff against Defendant Ralph Cestone in the amount of \$ 190,277.70

3. Summary Judgment is entered in favor of the Plaintiff against Defendant DJF Realty, Inc. in the amount of \$ 323,613.94

4. A signed copy of this Order shall be provided to counsel for the Defendants within three days of receipt from the Court.



J.S.C.

THIS MOTION WAS:

☒ Opposed

☐ Unopposed

- S.J. IS ENTERED IN FAVOR OF PLAINTIFF
JOINTLY AND SEVERALLY AGAINST RALPH CESTONE AND
DJF REALTY IN THE AMOUNT OF \$22,433.81

- REASON PLACED ON RECORD

EXHIBIT B

RECORDED AS A LIEN

SEP 15 2016

William D. Wallach - 031861987
McCARTER & ENGLISH, LLP
Four Gateway Center
100 Mulberry Street
Newark, New Jersey 07102
(973) 622-4444
Attorneys for Plaintiff

FILED

AUG 22 2016

Dennis F. Carey, III, C.P.J.

McCARTER & ENGLISH, LLP,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION - ESSEX COUNTY
Plaintiff,	:	DOCKET NO. ESX-L-008102-15
	:	
vs.	:	Civil Action
	:	
RALPH CESTONE, and DJF	:	ORDER GRANTING SUMMARY
REALTY, INC.,	:	JUDGMENT FOR PLAINTIFF
	:	
Defendants.	:	

THIS MATTER having been opened to the Court by McCarter & English, LLP, attorneys for Plaintiff Pro Se, upon notice to counsel for the Defendants, for the entry of an Order pursuant to Rule 4:46-2 granting summary judgment in favor of the Plaintiff against the Defendants, and the Court having considered the moving papers, the Opposition Papers (if any), and in view of the record in this matter,

IT IS on 22 day of AUGUST, 2016,

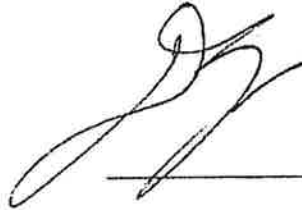
ORDERED as follows:

1. Plaintiff's Motion pursuant to New Jersey Court Rule 4:46-2 is granted in its entirety.

2. Summary Judgment is entered in favor of the Plaintiff against Defendant Ralph Cestone in the amount of \$ 190,277.70

3. Summary Judgment is entered in favor of the Plaintiff against Defendant DJF Realty, Inc. in the amount of \$ 323,613.94

4. A signed copy of this Order shall be provided to counsel for the Defendants within three days of receipt from the Court.



J.S.C.

THIS MOTION WAS:

☒ Opposed

☐ Unopposed

- S.J. IS ENTERED IN FAVOR OF PLAINTIFF
JOINTLY AND SEVERALLY AGAINST RALPH CESTONE AND
DJF REALTY IN THE AMOUNT OF \$22,433.81

- REASON PLACED ON RECORD

EXHIBIT C

SUPERIOR COURT OF NJ
CIVIL DIVISION
ESSEX VICINAGE

2016 SEP 12 A 10:04

FINANCE DIVISION
RECEIVED/FILED
30

William D. Wallach – 031861987
Matthew B. Heimann – 016242008
McCARTER & ENGLISH, LLP
Four Gateway Center
100 Mulberry Street
Newark, New Jersey 07102
(973) 622-4444
Attorneys for Plaintiff



McCARTER & ENGLISH, LLP,

Plaintiff,

v.

RALPH M. CESTONE and DJF REALTY, INC.,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – ESSEX COUNTY
DOCKET NO. ESX-L-008102-15

Civil Action

WRIT OF EXECUTION

THE STATE OF NEW JERSEY,

TO THE SHERIFF OF THE COUNTY OF ESSEX:

WHEREAS, on August 22, 2016, a judgment (the "Judgment") was recovered by Plaintiff McCarter & English, LLP ("Plaintiff") in an action in the Superior Court of New Jersey, Law Division, Essex County, in favor of Plaintiff and against (i) Defendant Ralph M. Cestone in the amount of \$190,277.70, (ii) Defendant DJF Realty, Inc. in the amount of \$323,613.94, and (iii) Defendant Ralph M. Cestone and Defendant DJF Realty, Inc., jointly and severally, in the amount of \$22,433.81, plus post-judgment interest;

WHEREAS, no monies have been paid toward the sums due and owing under the Judgment.

951
989-16

THEREFORE, WE COMMAND THAT YOU satisfy the said Judgment out of the rights and credits and/or the personal property of the said judgment debtors Ralph M. Cestone and DJF Realty, Inc. within your County; and if sufficient rights and credits and/or personal property cannot be found then, subsequent to your levy and only after receipt of an order of the court pursuant to R. 4:59-1(d), out of the real property in your County belonging to the said judgment debtors Ralph M. Cestone and DJF Realty, Inc. at the time when the Judgment was entered or docketed in the office of the Clerk of this Court or at any time thereafter, in whosoever hands the same may be. Any levy pursuant to this writ shall exclude (1) all funds in an account of the said judgment debtors Ralph M. Cestone and DJF Realty, Inc. with a bank or other financial institution, if all deposits into the account during the 90 days immediately prior to service of the Writ were electronic deposits, made on a recurring basis, of funds identifiable by the bank or other financial institution as exempt from execution, levy, or attachment under New Jersey or federal law, and (2) all funds deposited electronically in an account of the said judgment debtors Ralph M. Cestone and DJF Realty, Inc. with a bank or other financial institution during the two months immediately prior to the account review undertaken by the bank or other financial institution in response to the Writ that are identifiable by the bank or other financial institution as exempt from execution, levy, or attachment under New Jersey or federal law. You shall pay said monies realized by you from such property to Plaintiff. Within 24 months after the date of its issuance, you shall return this execution and your proceedings thereon to the Clerk of the Superior Court of New Jersey at Trenton.


WE FURTHER COMMAND YOU, that in case of a sale, you return this Writ of Execution with your proceedings thereon before this Court and pay to the Clerk thereof any surplus in your hands within 30 days after the sale.

WITNESS, the Honorable , Judge, Superior Court of
New Jersey, on this 12th day of September, 2016.
Civil P.J.

, CLERK
Michelle M. Smith, Esq.
Clerk of Superior Court

McCARTER & ENGLISH, LLP
Attorneys for Plaintiff

Dated: September 9, 2016

By: 
William D. Wallach
A Member of the Firm

ENDORSEMENT

Judgment Amount*	\$536,325.45
Attorneys' Fees	open
Taxed Costs	open
Interest from August 22, 2016 to _____	\$ _____
Credits	open
Sheriff's Fees	\$ _____
Sheriff's Commissions	\$ _____
TOTAL: \$ _____	

*"Judgment Amount" excludes post-judgment interest, taxed costs, or any applicable attorneys' fees. Post-Judgment Interest applied pursuant to R. 4:42-11 has been calculated as simple interest. As required by R. 4:59-1, the method by which interest has been calculated is:

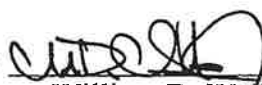
$\$536,325.45.(\text{Judgment Amount less attorneys' fees}) \times 2.5\% (\text{R. 4:42-11(a)(iii)}) = \$13,408.14$

$\$13,408.14 (\text{Annual Interest}) \div 365 (\text{Calendar Days of the Year}) = \36.73

\$36.73 (Per Diem Post-Judgment Interest)

McCARTER & ENGLISH, LLP
Attorneys for Plaintiff

Dated: September 9, 2016

By: 
William D. Wallach
A Member of the Firm

Delivered to me this ____ day of _____, 2016, at ____ o'clock __.M.

Sheriff

EXHIBIT D

Interest Calculation - \$190K (Simple Interest, No Compounding)

Start Date	End Date	Number of days	Interest Rate	Principal	Interest	Principal & Interest
Annual Rate						
08/23/16	12/31/16	131.00	2.25%	190,277.70	1,536.56	191,814.26
01/01/17	12/31/17	365.00	2.50%		4,756.94	4,756.94
01/01/18	12/31/18	365.00	2.50%		4,756.94	4,756.94
01/01/19	12/31/19	365.00	3.50%		6,659.72	6,659.72
01/01/20	12/31/20	366.00	4.50%		8,585.96	8,585.96
01/01/21	12/31/21	365.00	3.50%		6,659.72	6,659.72
01/01/22	12/31/22	365.00	2.25%		4,281.25	4,281.25
01/01/23	12/31/23	365.00	2.25%		4,281.25	4,281.25
01/01/24	12/31/24	366.00	5.50%		10,493.95	10,493.95
01/01/25	06/01/25	152.00	7.50%		5,942.92	5,942.92
Totals				190,277.70	57,955.20	248,232.90
Daily Rate						
06/02/25	12/31/25	213.00	7.50%	190,278	39.10	

EXHIBIT E

O'Toole, Kevin J

From: Wallach, William
Sent: Wednesday, June 4, 2025 11:07 AM
To: fagostino@agostinolaw.com; kstarkey@starkeykelly.com; rtu@spsk.com;
agallo@oslaw.com; bgriffin@oslaw.com; Biehl, Frederick;
mpolychronis@mblawfirm.com; gbotwinick@einhornharris.com; alaura@czlaw.com;
beatriz.t.saiz@usdoj.gov; sreiser@shapiro-croland.com; wjrush@rushlaw.org
Cc: O'Toole, Kevin J
Subject: AGOSTINO & ASSOCIATES, P.C. v. ESTATE OF MICHELE CESTONE et al

Counsel – in accordance with the Court’s Text Order directing the parties “to meet and confer to determine whether they consent to the proposed intervention by McCarter & English, LLP”, please let me know by Friday at 5.00 if there is any objection. Thank you.



William D. Wallach | Partner

McCarter & English, LLP

Four Gateway Center, 100 Mulberry Street | Newark, NJ 07102

wwallach@mccarter.com | www.mccarter.com | [V-Card](#)

T [973.639.7918](tel:973.639.7918) M [973.214.7919](tel:973.214.7919)

Boston | East Brunswick | Hartford | Indianapolis | Miami | Newark | New York
Philadelphia | Stamford | Trenton | Washington, DC | Wilmington

EXHIBIT F

O'Toole, Kevin J

From: Wallach, William
Sent: Tuesday, June 17, 2025 4:43 PM
To: mpolychronis@mblawfirm.com
Cc: O'Toole, Kevin J
Subject: Agostino/Marvec lawsuit

In order to avoid any confusion, it would be appreciated if you would let us know the basis for claiming there is a conflict of interest in this Firm seeking to intervene in the lawsuit. As you will have seen from our original state court motion papers, intervention is sought to protect the Firm's rights under its Judgment against Ralph Cestone to the extent he may have an interest in the monies sought to be interpleaded. No claim is sought against portion of the interpleader monies belonging to any party or person other than Ralph Cestone.

Given the Court's instructions for us to promptly refile the Motion, a response by this Friday afternoon will be appreciated. If it is easier to discuss by telephone, let me know a convenient time tomorrow for us to speak.



William D. Wallach | Partner

McCarter & English, LLP

Four Gateway Center, 100 Mulberry Street | Newark, NJ 07102

wwallach@mccarter.com | www.mccarter.com | V-Card

T [973.639.7918](tel:973.639.7918) M [973.214.7919](tel:973.214.7919)

Boston | East Brunswick | Hartford | Indianapolis | Miami | Newark | New York
Philadelphia | Stamford | Trenton | Washington, DC | Wilmington